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07 AUG 27 PM 1:35
RICHARD W. NIENING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ARTURO PACHECO

Plaintiff,

vs.

A.C. Transit
Transportation Supt. Defendant(s).
Robert Estrella

EMPLOYMENT DISCRIMINATION
COMPLAINT

MMC

IC-07

4415

1. Plaintiff resides at:

Address

P.O. Box 3247

City, State & Zip Code

Vallejo, CA 94590

Phone

(510) 290-6600

2. Defendant is located at:

Division 3-Richmond Facility

Address

201 21st Street

City, State & Zip Code

Richmond, CA 94801

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

4. The acts complained of in this suit concern:

a. ☒ Failure to employ me.

b. ☐ Termination of my employment.

c. ☐ Failure to promote me.

d. ☒ Other acts as specified below.

I was cleared to return to work as a Fulltime Bus Operator on 10/2/2006 - Oct 4th 2006 + again on Oct 5th 2006 - Psychologist + Medical doctors Diagnosis + requests - Information requested by Supt. Estrella - Denied to return to work as a Full-time Bus OPERATOR / Put on Reasonable Accomodations / Non Driving

5. Defendant's conduct is discriminatory with respect to the following:

a. ☒ My race or color.

b. ☐ My religion.

c. ☐ My sex.

d. ☒ My national origin.

e. ☒ Other as specified below.

51 yrs old
I'm Puerto Rican / Afro American / Single / Don't speak Spanish

6. The basic facts surrounding my claim of discrimination are:

I am not disabled or have a mental impairment that would interfere with my driving of a motor vehicle. MR Robert Estrella did tell me after my requests to return to work in Oct. that he would clear me back to work if he received clearance from (Another psychiatrist besides the A.C Transit's psychologist DR. Davenport or a Medical Doctor. This I supplied instead of getting back to work. Given to Human Resources Dept. which has complicated + still insinuates I have a mental illness + shouldn't be driving.

7. The alleged discrimination occurred on or about MARCH 12th, 2007

(DATE)

8. I filed charges with the Federal Equal Employment Opportunity Commission (or the California Department of Fair Employment and Housing) regarding defendant's alleged

1 discriminatory conduct on or about

May 24th, 2007

(DATE)

2
3 9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter
4 (copy attached), which was received by me on or about

JUNE 1st, 2007

(DATE)

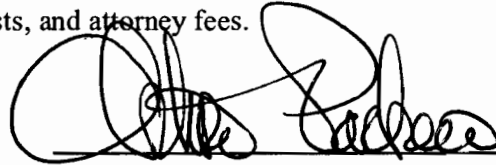
5
6 10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

7 Yes _____ No ☒

8 11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,
9 including injunctive orders, damages, costs, and attorney fees.

10
11 DATED:

8/27/07



SIGNATURE OF PLAINTIFF

ARTURO PACHECO

12
13
14 (PLEASE NOTE: NOTARIZATION
15 IS NOT REQUIRED.)

PLAINTIFF'S NAME

(Printed or Typed)



**U.S. Equal Employment Opportunity Commission
Oakland Local Office**

1301 Clay Street
Suite 1170-N
Oakland, CA 94612
(510) 637-3238
TTY (510) 637-3234
FAX (510) 637-3235
1-800-669-4000

Respondent: AC TRANSIT
EEOC No: 555-2007-00586

Arturo Pacheco
P. O. Box 3247
Vallejo, CA 94590

Dear Mr. Pacheco:

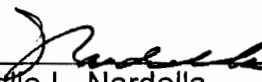
The Equal Employment Opportunity Commission has received your request for a Notice of Right to Sue in the above referenced charge.

Your request has been forwarded to the U.S. Department of Justice (DOJ) for action. That Agency will act on your request and issue the Notice directly to you.

If you have any questions, please call this office at (510) 637-3238.

On behalf of the Commission:

6-1-07
Date



Michelle L. Nardella
Director

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

EEOC Number:

555-2007-00586

Case Name:

Arturo Pacheco v. AC Transit

Date:

May 24, 2007

☐
H

1001 Tower Way, Suite 250
Bakersfield, CA 93309
(661) 395-2729

☐
C

1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
(559) 244-4760

☐
S/T

611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
(213) 439-6799

☒
M

1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 622-2941

☐
E

2000 "O" Street, Suite 120
Sacramento, CA 95814
(916) 445-5523

☐
D

1350 Front Street, Suite 3005
San Diego, CA 92101
(619) 645-2681

☐
A

San Francisco District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 622-2973

☐
G

111 North Market Street, Suite 810
San Jose, CA 95113
(408) 277-1277

☐
K

2101 East Fourth Street, Suite 255-B
Santa Ana, CA 92705
(714) 558-4266

NOTICE TO COMPLAINANT AND RESPONDENT

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

No response to the DFEH is required by the respondent.

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY
Chief Deputy Director